IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

OP.No. 216 of 2002(A)

PETITIONERS:
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1. **C.GOPALAKRISHNAN PILLAI S/O.ARJUNAN PILLAI, AGED 53 YEARS WORKING AS TICKET ISSUER (SPECIAL GRADE) K.S.R.T.C.,KOTTARAKKARA.**

2. **G.JOHNKUTTY S/O.DANIEL, AGED 53 YEARS WORKING AS TICKET ISSUER,(SPECIAL GRADE),K.S.R.T.C., KOTTARAKKARA**

BY ADV. SRI.N.UNNIKRISHNAN

RESPONDENTS:
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1. **THE KERALA STATE ROAD TRANSPORT CORPORATION,TRANSPORT BHAVAN,FORT, THIRUVANANTHAPURAM,REPRESENTED BY ITS MANAGING DIRECTOR.**

2. **THE STATE OF KERALA,REPRESENTED BY ITS CHIEF SECRETARY TO THE GOVERNMENT,SECRETARIATE, THIRUVANANTHAPURAM.**

BY ADV. SRI.JAMES KOSHY.N., SC. KSRTC
SRI.SAJEEVKUMAR K.GOPAL, SC, KSRTC
SRI.G.PRABHAKARAN SC, K.S.R.T.C

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.276/2002 IN OP. NO.216/2002

DISMISSED

10.07.2007 SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE PAGE NOS.32 TO 34 OF AGREEMENT DT. 21.7.79 ISSUED BY LABOUR COMMISSIONER.

EXT.P2:- COPY OF THE EXTRACT OF SCALE NO.III OF AGREEMENT DT.2.2.87.

EXT.P3:- COPY OF THE EXTRACT OF AGREEMENT DT. 28.12.90 BETWEEN THE MANAGEMENT AND RECOGNISED AND REPRESENTATIVE UNION, K.S.R.T.C.A.

EXT.P4:- COPY OF THE ANNEXURE-IV OF THE MEMORANDUM OF SETTLEMENT DT. 13.4.99.

EXT.P5:- COPY OF THE REPRESENTATION DT. 12.1.01 SUBMITTED BY THE PETITIONERS TO THE RESPONDENTS.

EXT.P6:- COPY OF THE JUDGMENT DT. 16.3.01 IN OP. NO.9075/01 ISSUED BY THE HONOURABLE HIGH COURT OF KERALA.

EXT.P7:- COPY OF THE MEMORANDUM NO.PLC1/001294/01 DT. 4.9.01 ISSUED BY THE 1ST RESPONDENT.

EXT.P8:- COPY OF THE DUTY SCHEDULE OF E.D.P.C. STAFF OF KOTTARAKKARA DEPORT WITH EFFECT FROM 15.7.01 ISSUED BY THE DISTRICT TRANSPORT OFFICER.

EXT.P9:- COPY OF THE PAGE NOS. 27,28 AND 29 OF THE MEMORANDUM SETTLEMENT DT. 28.12.90.

EXT.P10:- COPY OF THE LETTER NO.P10-145/2007 DT.2.5.07 SENT BY PUBLIC INFORMATION OFFICER.

/TRUE COPY/

P.S. TO JUDGE

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 216 of 2002-A

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Dated this the 10th day of July, 2007.

JUDGMENT

The claim of the petitioners is that they, who are Ticket Issuers (Special Grade), are entitled to be considered for promotion as Senior Assistants. The impugned decision has been rendered by stating that the creation of any such route of entry to that cadre has to be decided upon by the Government and on the basis of the settlements that could be arrived at between the KSRTC and the recognized trade unions.

2. In the aforesaid circumstances, I do not deem it appropriate to adjudicate on the entitlement to such an entry, which is not explicitly provided, as of now. It would, therefore, be a matter that should gain attention of the

Government.

In the result, this writ petition is disposed of directing that if the petitioners make appropriate representation to the Managing Director of the KSRTC demonstrating the alleged anomalies, the Managing Director shall place such representation along with the views of the KSRTC before the Government for appropriate decision. The Managing Director will ensure that such representation with the views of the KSRTC is forwarded to the Government within one month from the date of receipt of such representation and a copy of this judgment, whichever is later. Let a final decision in this issue be taken by the Government within an outer limit of eight months from the date of receipt of the representation with the views of the KSRTC. All other questions are left open.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 216 of 2002-A

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JUDGMENT

Dated: 10th July, 2007.